

WM. D. HAYWOOD DECLARED NOT GUILTY OF MURDER CHARGE

PRENTIS AGREES WITH GOVERNOR

All Are Moving in Concert, Chairman of Commission Says.

TIME OF ACTION IS NOT DECIDED

State Officers Will Act on Advice of Counsel, and There Will Be No Secrets, Judge Declares—Much Discussion of Governor's Interview.

Throughout the city yesterday the chief topic of conversation among business men and citizens generally was the outspoken statement of Governor Swanson concerning his attitude in the passenger rate matter. The Governor's fiery denunciation of the action of the Federal court in the matter and his declaration in favor of ignoring the restraining order of Judge Pritchard aroused much comment and many opinions were expressed one way and another.

Attorney-General Anderson and Hon. Allen Caperton, Braxton's counsel for the State in the rate cases, declined yesterday to discuss the interview of Governor Swanson. Judge Prentiss, of the Corporation Commission, however, was more outspoken. The other members of the commission, who are out of the city, could not be reached. Over the long-distance telephone from Suffolk last night Judge Prentiss said in effect to a representative of the Times-Dispatch:

"I have read the Governor's interview, and I quite agree with him. The Governor, the counsel and the commission are acting in concert and harmony for the best interests of the State, and they will see that its rights are protected. They are not unkindly of the gravity of the situation. The purpose of the Governor, the commission and the counsel is to bring the case to the United States Supreme Court as quickly as possible. As to the precise way this will be done I do not know at the moment, as it will depend upon a great many circumstances. Counsel for the State are giving the case all their attention, and I am sure the people will believe that the interests of the State are safe in their hands. There are no secrets about the matter and hardly any reason for thinking so. Certainly the commission will be guided by the advice of counsel, and I am sure they will not do so. There is no disagreement on any of the main questions, and, as I have said, the case will go to the Supreme Court at the earliest possible time."

Being absent from the city and not having conferred with the commission in Richmond on Saturday, Judge Prentiss was not prepared to say whether immediate publication of the commission's order would be made.

Would Not Discuss It. Commissioner Stuart was at his country home yesterday, and a telegram to him from The Times-Dispatch asking for an expression of opinion on the Governor's interview could not be delivered. Commissioner Willard is still in New England. Governor Swanson said last night that he had nothing to add to what had been published from him. Mr. Braxton and Attorney-General Anderson did not feel called upon to discuss the utterances of the executive.

As explained by the Governor, there is now no two-cent law in Virginia which he can enforce. To make the ruling of the commission effective, as required by the Constitution, was an official notice had to be printed once a week for four consecutive weeks in a newspaper of general circulation in the city of Richmond. This notice, signed by Mr. Richard T. Wilson, secretary of the commission, was prepared and published for two weeks in The Times-Dispatch, when the newspapers and the commission were restrained by Judge Pritchard from further proceedings. Consequently, the notice was not printed thereafter, and so far as that goes, it has been wiped out. Should the commission decide to disobey the Pritchard injunction, the move which Governor Swanson favors, another notice would have to be published for four weeks, at the expiration of which time the two-cent rate would go into effect. Failure then by the railroads to comply would give Governor Swanson full opportunity to see it enforced, "and to do this," he says, "I shall exercise all the powers possessed by me as Governor."

Wants Action at Once.

All along it has been evident that the attorneys were prepared to protect the rights of the Commonwealth by having the United States Supreme Court rule on Judge Pritchard's injunction, but just when they would act was not made known. It has been their intention from the first, however, to present the case on habeas corpus writ in October, and it has been shown, moreover, that the State could proceed in September as well as in July. From the tone of his statement it was plain that Governor Swanson wanted the commission to go ahead with the publication of the order, thus ignoring the injunction, and it remains to be seen whether his suggestion will be followed immediately. If it is, and if Judge Pritchard is still disposed to insist upon compliance with his injunction, Mr. Wilson, the commission's clerk may be arrested. Moreover, if one newspaper continues to publish the two-cent notice for the specified time, Governor Swanson can then regard the new rate effective and proceed as he thinks best. At all events, however, the Supreme Court will not hear the case before October.

Contention of State.

It is the contention of the State (Continued on Second Page.)



SENATOR BOHALL, J. H. HAWLEY, W. A. STONE, ALLEN VAN DUSEN.

A \$1,000,000 FIRE DEVOURS "CONEY"

Seven Blocks of Amusement Edifices Consumed in Early Morning Fire.

SHIFT OF WIND SAVED ISLAND

Scene Was Picturesque—Fire-Eater Fled from the Flames.

NEW YORK, July 28.—Coney Island, the playground of New York's millions, was visited by a disastrous fire early to-day, and seven blocks in the amusement zone was completely destroyed. Tiltous Steeplechase Park and nearly a score of small hotels were wiped out, and for a time the flames threatened destruction to Luna Park and Dreamland, great homes of summer amusement, and the scores of smaller places which fringe the water's edge for a mile. A lucky shift of the wind to seaward saved the firemen and probably saved the whole picturesque area, but not until a million dollars' damage had been done.

Three persons were injured, one of them Gottfried Messerlia, a fireman, probably fatally. Only the advance guard of 300,000 people, who flocked to Coney Island to-day, saw the fire, and thrilling tales of the fearless rescue of San Dora, the armless and legless man, and the flight of Francesco, the fire-eater, when the alarm was sounded, were told and retold along noisy Surf Avenue and in the less particular Bowers. Coney Island has had four big fires in the last ten years, the last previous one in 1903. "The Steeplechase" on that occasion being swept out, as it was to-day.

Story of the Fire. "The Island," as New Yorkers familiarly called it, was turning in for its early morning nap—the only sleep it ever gets—and the last thin line of Saturday night merry-makers were swinging gaily, if somewhat unceremoniously, up Surf Avenue, when George Frost, a watchman at Steeplechase Park, spied a wavering trail of smoke coming from the "Cave of the Winds," one of the many shows in the park. Scarcely had Frost bestirred himself to action when a flash of flame shot out of the maw of the cave and lighted up the place in a weird glare. Four alarms were sounded, bringing scores of engines and hose carts to fight the flames now being swept along under the smart west wind. The inflammable character—wood, staff and papier-mache—the constructive material of the many attractions, made fine food for the flames and notwithstanding the many streams of water poured on them, the conflagration seemed to defy all efforts to check its course up the beach toward the Bowers, and to the countless amusement places along Surf Avenue.

Spectacular Sight.

The destruction of Steeplechase Park was a spectacular sight. Tongues of flame leaped high and thicker, licking up the scenic railway, the razzle-dazzle, the dancing pavilion and the horse-racing railway. The little wooden horses, standing on steel tracks high in the air, looked like the flaming steeds of the Valkyries as they broke into blaze.

The great, but tower flamed brilliantly up like a great bright beacon seen by incoming ships as they creep up the harbor in the early dawn. The Steeplechase Hotel and nearly a score of smaller wooden hotels, which fronted along the western side of the park soon were blazing. Fire Commissioner Lantry, seeing that nothing could be saved in the park, ordered that all efforts be concentrated on the east side of the flaming blocks to keep the fire from getting into the city buildings in the Bowers, and thus making a fire trail to Dreamland and Luna Park. The firemen were massed at the entrance to the Bowers, and although a Japanese skating rink, a small dance hall and a restaurant were destroyed there, the fire was checked. The wind had, in the meantime, switched into the south, and this favorable slant of breeze aided the fire-fighters in confining the fire to seven blocks.

JOHNSTON WILL SUCCEED PETTUS

Will Be Named by the Legislature This Week as United States Senator.

NO OPPOSITION EXPECTED

It is Supposed That the Ex-Governor Will Be Elected to Sit Until 1915.

(Special to The Times-Dispatch.) MONTGOMERY, Ala., July 28.—The death of Senator Pettus will not bring about the fight in the senatorial race that was occasioned by the death of Senator Morgan, when John Bankhead, the choice of the people was elected to fill the unexpired term. By a peculiar arrangement two years ago, the Democratic Executive Committee decided, in view of the advanced ages of the two Senate representatives at that time, that at the Democratic primary last year there should be elected alternate Senators, and that the one receiving the highest vote should fill any unexpired term. On this principle Bankhead, the second highest number of votes for the first election in the senatorial succession, was less than one month ago appointed by the present Legislature to fill Morgan's term, which expires 1912.

Friend of Conner. Joseph Forney Johnston, ex-Governor of Alabama, the candidate receiving the second highest number of votes for the alternate senatorship, will undoubtedly be the choice of the Legislature, and he will be elected before the present Legislature adjourns, one week from to-morrow.

Johnston is also a friend and supporter of Conner, so that no possible opposition could come from the administrative forces, were he contemplated from any other source.

A peculiar feature of the Pettus succession has sprung up in the following way: About three weeks ago the present Senator was elected for the term beginning 1909 and ending 1915, having at that time two more years to serve before beginning a new term. Johnston will without doubt be elected to fill the unexpired term, and the legislators say that he will be elected to the full term. According to the Constitution, the Legislature is called to order every four years, so that a special session would have to be called for 1909 in order to name Johnston's successor, should he not be elected to fill the new term. In order to obviate this, the Legislature this year elected Pettus two years before the beginning of another term, so that Johnston's election will carry the same arguments.

SENATOR PETTUS, PUBLIC FUNERAL

Will Be Buried in Selma, With Full Military Honors.

SELMA, Ala., July 28.—Committees on arrangements and resolutions were appointed at a meeting of citizens tonight to prepare for the funeral of the late United States Senator Pettus, which, it is supposed, will be held here Tuesday or Wednesday. The Second Alabama Infantry, now camped here, has been ordered to remain until after the funeral, and with the local troop of cavalry and battery will serve as escort to the remains, that force being the regulation escort to a brigadier-general, Senator Pettus's rank in the Confederate Army.

BODY OF SENATOR PETTUS TO BE TAKEN TO SELMA

ASHEVILLE, N. C., July 28.—The body of the late Edmund W. Pettus, (Continued on Second Page.)



WILLIAM D. HAYWOOD.

BONAPARTE SPEAKS ON RATE QUESTION

Says the President Has Never Interfered in North Carolina Case.

SENT SANFORD TO INQUIRE

Never Was Occasion for Military to Be Called Out—No Reason to Act in Matter.

LENEX, MASS., July 28.—Attorney-General Charles J. Bonaparte, who is staying at a hotel here, gave out a statement to-night on the railway rate situation in North Carolina. Dispatches from Raleigh last night announced that the State of North Carolina had won its fight to have the two and a quarter cent passenger rate law observed by all the railroads in the State, pending an appeal to the courts by the railroad companies. Attorney-General Bonaparte, in his statement, says:

Bonaparte's Views.

"It is the duty of the Department of Justice to see that processes from all Federal courts are duly served. This duty exists without any regard to the nature of the litigation in which such process may issue, or the parties to the cause. On July 15th the attention of the Attorney-General was called to a reported purpose on the part of certain State officials in North Carolina to disregard writs of habeas corpus issued by Hon. J. C. Pritchard, circuit judge of the Fourth Circuit, on behalf of some agents or employees of the Southern Railway Company, who had been indicted for a violation of the recent act of the Legislature of North Carolina fixing maximum rates of fare for railway passengers."

On July 20th, Assistant Attorney-General David T. Sanford was ordered to proceed at once to North Carolina and report what action, if any, necessary to procure due respect for the process of the Federal court in the State. In case of emergency he was authorized to take appropriate action without reference.

No Evasion of Writ.

"No attempt was, in fact, made to evade or resist the service of the said writs, or to obstruct forcibly any other process of the United States court, and Mr. Sanford was assured that no such purpose was entertained. It was therefore unnecessary for the department to take any further action."

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NO DEFENSE IN STATE DEBT SUIT

West Virginia Attorneys Have Not Yet Prepared an Answer.

[Special to The Times-Dispatch.]

WHEELING, W. VA., July 28.—Notwithstanding the debt suit of Virginia against West Virginia will be called for hearing in the United States Supreme Court in October, the State of West Virginia has not yet prepared its defense nor is it likely to do so until some time in September. The last Legislature appropriation of \$25,000 for the pay of attorneys to assist the Attorney-General, and several were employed. Attorney-General Clark W. May has given out the statement that each of the attorneys is to prepare an answer along such lines as he sees fit, and at some time in September they will all meet, compare notes and select from their answers those which they think are best and from them will formulate an answer. Many West Virginians fear the preparation of the defense is being put off too long and that the State's interests are being jeopardized.



MOYER, HAYWOOD AND PETTIBONE.

MANY ARE DROPPED FROM BENEFIT ROLL

NEW SENSATIONS IN POWERS CASE

Commonwealth Supposed to Have Evidence Which Will Convict Prisoner.

WOMAN IN THE CASE

Powers's Counsel Will Ask That Prisoner Be Dismissed on Taylor's Pardon.

GEORGETOWN, KY., July 28.—When the fourth trial of Caleb Powers, charged with the murder of William Goebel at Frankfort, seven years ago, entered into the prosecution is expected to spring some new and startling evidence. Commonwealth's Attorney Bob Franklin arrived here to-night, and with his associate attorneys, Ben Williams, of Frankfort; Victor Bradley, of this city, and Ben Golden, of Harboursville, were nursing this afternoon several men whom it is reported are now witnesses in the case. The only new man whose name has gotten outside the secrets of the Commonwealth is Ben Steele. Steele is a mountaineer, and has not appeared at either of the previous three trials. He is said to possess some sensational information, and the attorneys for Powers are trying to learn its nature. They say they learned a portion of it to-day, which is about as follows:

New Evidence.

Powers, when he went to the mountains to learn the people by new, of the danger of the Goebel people throwing the Republicans out of office, called upon a young woman in his home town of Harboursville, and let her into the secrets of the plan.

Steele is believed to be the young woman, and he is said to have been present at a conversation in which Powers told of the plans to kill Goebel, Colonel Jack Chinn, Eph Lillard and several members of both branches of the Legislature. The plan was to start trouble in the joint sessions' meeting and have most nicked at various places whose duty it would be to kill certain of the Democrats. Steele is said to declare also that Powers had an additional plan, and that he exhibited a key to his office, saying that it was a duplicate, and that the man who killed Goebel, if he was killed by a general right, would be let into the office at the far end of the executive building next to the legislative hall.

Young Woman Missing.

The young woman referred to cannot be found. The Commonwealth has lost several of their old witnesses, but think they will have a strong case. The defense to-morrow, upon the opening of court will offer a lengthy affidavit of the defendant objecting to Judge James E. Robbins sitting in the case. Should Judge Robbins refuse to vacate the bench they will then offer the pardon given Powers by W. S. Taylor, while the latter was Governor, and ask that Powers be released from custody, inasmuch as he had been pardoned by Governor Taylor, who was the recognized chief executive of the State by the United States postal authorities. Taylor issued pardons to all those suspected of participating in the assassination of Goebel, and Powers holds one of these pardons.

MAUDE FEALY, ACTRESS, WEBS DRAMATIC CRITIC

DENVER, COL., July 28.—Maude Fealy, Denver actress, who for a long time supported Sir Henry Irving in Great Britain, is now Mrs. Louis E. Sherwin. She was secretly married July 15th to Sherwin, who is the dramatic critic of the Denver Republican. Sherwin is a well-educated young Englishman, who has been in this country several years. He has no money and is not held to any great estate. He has been in Denver a year. His mother-in-law is Mrs. Cavallo, wife of an orchestra leader here, and conducts a dramatic school.

PRISONER WEEPS AT JURY'S VERDICT

Counsel for Defense Made Great Demonstration in Court.

VERDICT COMES AS A SURPRISE

Governor Gooding Says He Will Press Cases Against Pettibone, Adams and Simpkins.

Haywood Rushes to See His Mother in the Hospital.

Governor Steunenberg assassinated December 30, 1905. Talesmen examined, 248. Trial began June 3, 1907. Witnesses for prosecution, 80. Witnesses for defense, 87. Cost to State of Idaho, \$100,000. Cost to Canyon Company, \$25,000. Cost of the defense, \$200,000.

BOISE, IDAHO, July 28.—In the bright sunlight of a beautiful Sabbath morning, William D. Haywood, secretary and treasurer of the Western Federation of Miners, walked a free man to-day, acquitted of the murder of former Governor Frank Steunenberg.

Probability of acquittal was freely predicted after Judge Fremont Wood read his charge, which was regarded as strongly favoring the defense in its interpretation of the laws of conspiracy, circumstantial evidence and the corroboration of a confessed accomplice. It was also freely predicted that, in the event of Haywood's acquittal, the State would abandon the prosecution of his associates, Charles H. Meyer, president of the Federation, and George A. Pettibone, of Denver. Statements from counsel and from Governor Gooding, issued to-day, dispel this view of the situation. Governor Gooding said:

Governor to Press Charge. "The verdict is a great surprise to me, and I believe to all citizens of Idaho who have heard or read the evidence in the case. I have done my duty. I have no regret as to any action I have taken and my conscience is clear. As long as God gives me strength, I will continue my efforts for government by law and for organized society."

"The State will continue a vigorous prosecution of Meyer and Pettibone and Adams, and of Simpkins when apprehended. There will be neither hesitation nor receding. Application will be made to Judge Wood to-morrow to admit Meyer and Pettibone to bail, and it was stated to-night, as to Meyer, against whom the State is admitted to have its weakest case, a favorable consideration would not be unexpected."

Not the least interesting of the comments made to-day was that of Harry Orchard, the confessed murderer of Steunenberg, and the witness on whom the State chiefly relied to prove its charge of a conspiracy among certain members of the Western Federation of Miners. When told of the verdict, Orchard said:

Orchard Ready for Punishment. "Well, I have done my duty. I have told the truth. I could do no more. I am ready by any punishment that may be meted out to me for my crime, and the sooner it comes the better."

It was after being out for twenty hours that the jury, which at first had been divided 8 to 4 for acquittal, and then seemed deadlocked at 10 to 2, after the first adjournment, shortly after the first adjournment, the coming day showed gray above the hills, which wall Boise to the north and east.

The weary, snow-bearded bailiff, who had kept an all-night vigil before the juryroom, was startled into action by the verdict. He knocked from within. Events moved rapidly thereafter, and when at last the principal actors in the trial had been gathered into the courtroom, at a few moments before 8 o'clock, the envelope handed by the foreman to the judge was torn open and the verdict read.

Haywood Electrically Down.

It came as an electric thrill to the prisoner, to his counsel, to the attorneys for the State, and to the small group of newspaper reporters and court officers who had been summoned from offices where clerks sought, or had marked the night. The verdict welled to the eyes of the man who, during the eighty days of his trial, had sat with stolid indifference written on his every feature. At last, the icy armor that he had thrown about himself with the first of jury selection, had been pierced.

Haywood's attorneys were fairly lifted from their seats, and Judge Wood made no effort to restrain them as they surrounded him to shake his hands and shout aloud their congratulations.

James H. Hawley, leading counsel for the State, and O. N. Van Dusen, the courtroom attorney of the county in which former Governor Steunenberg was assassinated, sat gloomy and unresponsive. Senator Borah, who made the closing plea for conviction, was not present.

Of the prisoner's counsel, those in the courtroom were Clarence Darrow, of Chicago; E. F. Richardson, of Denver, and John F. Nugent, of Boise. The absentees from the defendant's table included Edgar Wilson, the former law partner of Judge Wood, who presided at the trial.

None of Family Present.

No member of the prisoner's family, nor any of his friends among the socialist writers and the "labor jury" was in the courtroom when the verdict was returned. The spectators' benches were empty, but in the store where stood Governor Frank Gooding, who has taken active part in pressing

STRIKERS WHO DRAW NO MORE MONEY CHARGE ARBITRARY ACTION BY OFFICERS.

PRESIDENT'S EXPLANATION

Says Regular Employees Are Still Being Carried—Experience of One Man.

Reports have been circulated for the past few days to the effect that the time is not far distant when there will be a collapse of the long drawn out printers' strike, which for nearly two years has worn its way along in Richmond, as well as in other parts of the country.

From the statements made it would seem that efforts in the direction of economy are being made all along the line, and that many of those who have been drawing strike benefits for the past twenty months or more have been summarily dropped from the lists. Those who have been let go charge that the selection has been entirely arbitrary, and without any reason being given to them other than the immediate necessity on the part of the union officials to curtail expenses. On the other hand, the officers of the local typographical union state that the finances of the international body were never in better condition, and that strike benefits are being paid with promptness. It was admitted, however, that a number of men who were not regularly engaged at the time of the strike have been notified that they will no longer receive the benefits.

Strike Long Drawn Out.

Members of Richmond Typographical Union, No. 90, went on strike on September 11, 1905, the men being called out of all the book and job offices in the city, one hundred and four in all, obeying the call. The strike practically wiped up every book printing office in Richmond, although a number of small job offices, operated principally by the proprietor and his family, continued to operate. Efforts were at once made by the members of the Richmond Typothetae, the association of employing printers, to secure men from outside, and after a time these efforts seemed to be successful, and the offices were gradually filled up, until for the past year the employers have managed to have all the men they could use. Meanwhile the International Typographical Union, of which Richmond Union, No. 90, is a branch, has been getting nine dollars a week, and the single men six dollars, with apparent regularity.

Of the original one hundred and four strikers the large majority have scattered. Many have gone to other cities and secured employment, either in open

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NOTED THIEVES SIT ON CORONER'S JURY

Robbers, Who Stole \$500,000, Impaneled to Inquire Into Death.

PITTSBURG, July 28.—A most unusual coroner's jury was impaneled here in the Western Penitentiary to inquire into the death of Togo Mra-vostich, a manlaughter prisoner, who had died suddenly. Two of the jury were notorious thieves, having, between them, stolen almost \$500,000.

It is the right of prisoners in a State penitentiary to have half the coroner's jury sitting on other of their number composed of prisoners, but Deputy Coroner Samuel E. O'Brien was a little surprised to have Edward G. Cunniff and Clinton B. Wray trotted out by the authorities as "good men and true."

Cunniff is the Adams Express Company thief who stole \$101,000 at Pittsburg, and Wray was one of the two clerks of the Union Trust Company at Pittsburg who got away with \$385,000 before being caught.

The verdict of the jury was that the prisoner came to his death by natural causes.